## IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION

CATHERINE SHANAHAN, individually and on	)
behalf of all others similarly situated,	)
Plaintiff	)
	)
V.	) Case No.1:19-cv-3788
NATIONAL AUTO PROTECTION CORP.,	) Honorable Robert John Blakey
et al.,	)

# MEMORANDUM OF LAW IN SUPPORT OF ASSENTED TO MOTION TO WITHDRAW AS COUNSEL

Mitchell N. Roth and Genevieve C. Bradley from the law firm Roth Jackson and David S. Wayne and Michael A. Jacobsen from the law firm Saul Ewing Arnstein & Lehr LLP (collectively "Counsel"), counsel for Defendants National Auto Protection Corp. ("NAPC") and Matrix Financial Services, LLC ("Matrix"), hereby submit their Memorandum in Support of their Motion to Withdraw as Counsel for NAPC pursuant to Local Rule 83.17 and state as follows:

## I. STATEMENT OF RELEVANT FACTS

- 1. NAPC and Matrix retained Counsel to represent them in this lawsuit in which Plaintiff Catherine Shanahan ("Plaintiff") has sued NAPC, Matrix, and Nation Motor Club, LLC ("Nation Motor") for alleged violations of the Telephone Consumer Protection Act.
- 2. Without breaching Counsel's confidentiality obligations to NAPC, the corporate existence of NAPC has terminated. Prior to its termination, NAPC instructed Counsel to cease performing additional services on its behalf and to withdraw from this case. NAPC also terminated Counsel's engagement in this matter.

- 3. The instruction from the NAPC also follows a breakdown in the attorney-client relationship which makes it impossible for Counsel to continue their representation of the client and to adequately prepare for and defend the client at the trial.
- 4. This Motion to Withdraw is only with regard to Counsel's representation of NAPC. Counsel continues to represent Matrix in this matter.
  - 4. No trial date has been set.
  - 5. The other parties have provided their assent to this Motion.

## II. LEGAL STANDARD

In this Court, "The attorney of record may not withdraw . . . without first obtaining leave of court." Local Rule 83.17 Moreover, the Illinois Rules of Professional Conduct require counsel to withdraw from the representation of a client if the attorney is discharged. ("Except as stated in paragraph (c), a lawyer shall not represent a client or, where representation has commenced, shall withdraw from the representation of a client if: . . . (3) the lawyer is discharged"). Ill. R. Prof. Conduct 1.16(a)(3).

#### III. ARGUMENT

Good cause exists for this Court to permit Counsel to withdraw their appearances. Because confidentiality obligations prevent Counsel from providing substantive factual support for this Motion at present, Counsel represents simply that they have been informed the termination of NAPC's corporate existence, and prior to its termination, NAPC instructed counsel to withdraw. Counsel also represents that due to this termination, there has been a breakdown in the attorney-client relationship which makes it impossible for counsel to continue its representation of NAPC and to adequately prepare for and defend its client at the trial.

<sup>&</sup>lt;sup>1</sup> Paragraph (c) requires a lawyer to obtain a tribunal's permission before withdrawing if so required by the tribunal. Ill. R. Prof. Conduct 1.16(c). Counsel files this motion for the purpose of seeking this Court's permission.

Furthermore, counsel has been advised that NAPC will be ceasing business operations and dissolving. NAPC is aware that prior to any dissolution, it must retain new counsel to continue litigating its defense in this case.

## IV. CONCLUSION

WHEREFORE, Counsel request that this Court grant their Motion to Withdraw as Counsel for National Auto Protection Corp, strike their respective appearances, and for such further relief as this Court deems necessary.

## NATIONAL AUTO PROTECTION CORP.

and

## MATRIX FINANCIAL SERVICES, LLC

By Counsel

## /s/ Mitchell N. Roth

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Counsel for Defendants National Auto Protection Corp. and Matrix Financial Services, LLC

## **CERTIFICATE OF SERVICE**

I certify that on this day	of October, 2019,	I caused	a copy	of the	foregoing
document to be served via ECF on all part	es entitled to be rec	ceive notic	e.		
	/s/ Mitchell N. Ro Mitchell N. Roth				